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C O N F I D E N T I A L SECTION 01 OF 03 BUCHAREST 000665

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SUBJECT: ROMANIA: GOR ADOPTIONS OFFICE MOVES TO PREVENT PENDING INTER-COUNTRY ADOPTIONS

REF: A. A) BUCHAREST 0576

[B. B\)](#) BUCHAREST 0536

Classified By: CHARGE MARK TAPLIN FOR REASONS 1.4 (B) & (D).

¶1. (SBU) Summary. On April 17, the Romanian Office for Adoptions (ROA) publicly announced that no inter-country adoptions would result from the government's review of the petitions by foreign families to adopt Romanian children filed before the January 1, 2005 ban on inter-country adoption took effect. We do not consider this announcement to be the final word on the matter, and propose a range of actions to encourage the Government of Romania (GOR) eventually to allow some of the adoptions to proceed. End summary.

Working Group Completes "Review"

¶2. (U) On April 17, the Romanian Office for Adoptions (ROA) publicly announced the results of the Working Group that reviewed the petitions by foreign families to adopt Romanian children filed before the January 1, 2005 ban on inter-country adoption took effect. The Secretary of State of the ROA, Theodora Bertzi, made clear to the press that none of the 1,100 pending cases would be resolved through inter-country adoption. Bertzi has further instructed child welfare departments at the county level to prohibit contact between children in the protection system and foreigners, except for those who are their relatives up to the fourth degree; adopted siblings of the children in question; or those who an independent child psychiatrist has determined have bonds of affection such that cutting the contact would be harmful to the Romanian child.

¶3. (U) On January 18, Bertzi gave an interview to the Romanian newspaper "Adevarul" in which she stated "most" of the 178 cases of international adoption for which her office lacks the post-adoption reports required by Romanian law involve U.S. families. In the article, Bertzi expressed concern about the case of William Peckenpaugh, the American who was convicted in Oregon in 2005 and sentenced to 30 years, imprisonment for the sexual abuse of the Romanian boy he adopted. Her remarks seemed intended to bolster the unfounded argument of opponents of inter-country adoption that children adopted abroad, once out of the control of the Romanian government, are at higher risk of abuse and exploitation.

¶4. (U) Post's analysis of the Working Group report indicates that it is designed primarily to cater to vocal opponents of inter-country adoption in the European Commission (EC), in advance of the May 15 EC report that is expected to confirm Romania will join the European Union on January 1, 2007. We suspect that the report was also issued

to stave off any pro-adoption recommendations that might result from the European Parliament's April 25 adoption meeting in Brussels.

Best Interests of the Children?

¶15. (SBU) The results indicate on their face that the Working Group did not place the best interests of the children as its highest priority, but rather applied a selective mix of interpretations of current legislation, past legislation and previously confidential guidelines in matching the preordained political decision not to allow inter-country adoptions. The April 17 ROA press statement claimed the case review was complete in November 2005. In contrast, GOR officials told the Ambassador, PolChief and Consul General as late as January 2005 that the review was still underway. Bertzi appears to be seeking to justify her public statement on December 7 -- one day after Secretary Rice's visit to Bucharest -- that no inter-country adoptions would be approved.

¶16. (U) The Working Group report consigns hundreds of children to non-permanent "substitute" families. Post discounts Bertzi's public and private claims that Romania can find domestic solutions for all of its orphans and abandoned children. Contacts among Romanian NGOs and local officials further confirm what post officers have observed first-hand in Romanian child centers in recent months, namely that at least hundreds of children remain in institutions or group homes, many in substandard conditions of physical and emotional care (reftel B).

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It's Not Over Until It's Over

¶17. (C) Now that Romania appears poised to receive a green light for EU accession in January 2007, there may be political space for the GOR to reconsider at least a limited number of "pending" cases. Some contacts in other concerned embassies and NGOs in Romania believe the GOR will not risk moving forward before the actual accession date. On the other hand, Bucharest is already showing signs of factoring in a positive decision on EU membership in other political calculations. The argument that accession is in any respect hanging in the balance over the adoptions issue will be utterly hollow once the spring EU accession review report is released in mid-May. Thus, we believe there remains some potential for the GOR to adopt a different political tack on the pending cases and to look for ways to release a limited number of children under some kind of "review of the review" process. The GOR might defend such a change in policy as being based on new information or changed circumstances in specific cases. With both the Romanian President, an increasingly, the Prime Minister, expressing interest in visiting the United States before the end of the year, we may find some useful leverage in the months ahead.

The Road Ahead

¶18. (SBU) In light of the above, we recommend continued engagement on this issue. Without raising the expectations of potential adoptive parents unreasonably, we should operate on the basis that there is nothing necessarily final in Bertzi's "final" report on the pending cases. Furthermore the stark reality is that some of the children remain in circumstances that fall well short of acceptable child welfare standards, whatever statements some GOR officials make to the contrary.

¶19. (C) We plan to undertake the following steps:

a. Consul General will respond the week of April 24 to

Bertzi's letter that transmitted to the Ambassador a copy of the Working Group report. The CG will state that we consider the case review to have lacked transparency and not to have been based on the best interests of the children; and request the opportunity to review selected cases with an independent child welfare expert. (This review could include any of the 94 petitions filed by American families that the ROA announced on November 3, 2005 were not eligible for inter-country adoption. At the time of that announcement, it remained arguable that the Working Group review was credible.

Subsequent developments made clear that the results were preordained, bringing the November 3 results back into question.) We plan to show this letter to the embassies of France, Greece, Italy, Spain and Israel to encourage them to take similar steps.

b. On April 25, a hearing on Romania's inter-country adoption policy is scheduled at the European Parliament in Strasbourg. Post anticipates a contentious debate, involving pro- and anti-adoption Parliamentarians, among the latter the Liberal MEP and former Rapporteur for Romania Baroness Emma Nicholson. American families seeking to adopt, and Romanian NGO representatives, are scheduled to speak. Post believes close monitoring of the hearing is important as a sign of continued USG engagement, and to allow a current assessment of EP sentiment on the issue. The active involvement of our colleagues at USEU Brussels has helped to change the policy environment on the pending cases outside the borders of Romania, and we will now accelerate our own efforts to challenge the GOR status quo on the basis that no European consensus on this issue now exists and, as observed above, there are no implications for EU accession.

c. In late May, USAID Bucharest will sponsor a conference on progress made by the US-funded child welfare program and next steps to reform the sector. We plan for the Ambassador to make a speech at the event including a more forward-leaning assessment of the current child welfare and adoption system in Romania than he has offered to date in public. The conference has been timed to follow a positive announcement about Romania's 2007 accession date.

d. In June, post would propose a letter from a high-ranking USG official to the GOR, once again urging reconsideration of the Working Group results and a legal framework to allow inter-country adoption where called for.

110. (C) Given the importance of not raising false hopes among the American families whose adoption petitions are at

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stake, post recommends making clear to them we have no assurance our efforts will succeed, but that in a rapidly evolving adoption policy climate in Brussels and Strasbourg, we should not give up the ship just yet.

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